



**United State Environmental Protection Agency
New England – Region I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

July 18, 2014

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Michael L. Mahoney, Esq.
Duggan Gianacoplos & Mahoney
89 Access Road Suite A
Norwood, MA 02062

Re: Request for Information, Docket No. 14-308-27
Discharge of oil to Stroudwater River from Jewett & Noonan Transportation, Inc. truck
on June 11, 2014

Dear Mr. Mahoney:

On July 15, 2014, the U.S. Environmental Protection Agency ("EPA") sent a letter to J.P. Noonan Transportation, Inc. regarding the oil discharge described above. On July 17, 2014 you contacted Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1, to clarify that the truck involved in the June 11, 2014 incident was owned and/or operated by Jewett & Noonan Transportation, Inc. ("Jewett & Noonan"), not J.P. Noonan Transportation, Inc. You requested that we re-issue the letter to Jewett & Noonan, which we have done, below. You may disregard the letter issued to J.P. Noonan Transportation, Inc.

EPA has received an oil spill report for the above-referenced oil discharge on June 11, 2014 to the Stroudwater River. To enable EPA to determine whether the discharge violated Section 311(b)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, a representative of Jewett & Noonan is hereby required, under the authority of Sections 308 and 311(m) of the Act, 33 U.S.C. §§1318 and 1321(m), to provide a response to the attached request within 45 days of receipt of this letter. Your response shall be sent by certified mail to:

U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joseph Canzano, P.E.
Region I Oil Spill Prevention Compliance Coordinator
Mail Code OES04-4

Please be advised that noncompliance with the Clean Water Act may subject Jewett & Noonan to both injunctive relief and penalties. EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, including the right to seek civil penalties, for any violations, including those described above.

Please be further advised that compliance with this information request is mandatory, and failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject a person to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not of Jewett & Noonan of its responsibility to comply with federal law and this information request.

Your response must also include the Statement of Certificate signed and dated by a person who is authorized to respond to the information request on behalf of the company. The Statement of Certification is enclosed.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, at (617) 918-1763, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1
Peter Blanchard, Oil & Hazardous Materials Responder III, Maine DEP
Thomas Smith, Oil & Hazardous Materials Responder III, Maine DEP Eastern Region

Enclosure
CWA 308 and 311(m) Request for Information Questions

Re: Discharge of oil to the Stroudwater River in Gorham, Maine, from a Jewett & Noonan Transportation, Inc. tanker truck on June 11, 2014.

1. Provide a detailed and comprehensive description outlining the above-referenced discharge, including:
 - a. The date and time the discharge occurred, the date and time the discharge was discovered, and the date and time the discharge was reported to the National Response Center and any other appropriate federal, state and/or local agencies (e.g., EPA, state environmental agency, fire department). Include the name and phone number of the agency personnel contacted.
 - b. The name of each body of water that spilled material entered. If spilled material entered one or more bodies of water or their adjoining shorelines name those bodies of water as well.
 - c. The quantity (in gallons) of spilled material and the quantity (in gallons) of spilled material that entered one or more bodies of water or adjoining shorelines. If the material spilled was petroleum, give the grade of oil (e.g., on-road diesel, off-road diesel, Number 2 home heating, and kerosene).
 - d. The pathway the spilled material traveled, starting from the original spill point (i.e., the location of the tanker truck when it rolled-over) to the most distant water body into which it flowed. Describe, if applicable, the hydrological connection between any municipal or private stormwater drainage systems to surface waters by which spilled material traveled.
 - e. The extent to which the discharge caused a film or sheen on the surface of the water and/or caused a sludge or emulsion to be deposited on or in the water body bottom or on adjoining shoreline soils or vegetation.
 - f. Any environmental damage resulting from the spill, such as fish kills, dead waterfowl or animals, stained or dead vegetation, stained soil, etc.
 - g. Any damage to public or private property, such as road surfaces, bridge abutments, dams, beaches, boat hulls, wells, etc.
 - h. A summary of events immediately preceding the spill event, including the probable cause of the spill. Provide the name and title of company personnel associated with the cause of, reporting of, or attempted control of the spill.
 - i. Any actions taken to control and/or remove the spilled material from the environment or to mitigate its effects on the environment, including a summary of the costs of such actions. Please provide copies of all clean-up contractor invoices and manifests.

- j. Any measures taken after the spill to prevent a recurrence, including the costs of such measures.
 - k. The names, titles, addresses, and phone numbers of employees and officials you believe to have knowledge of the facts surrounding the spill event.
 - l. Copies of any reports conducted by state environmental agencies, state or local police, fire departments, insurance companies, etc. Also, include any traffic citations or fines issued.
- 2. Provide the name, address, and phone number of the tanker truck's owner, if different from Jewett & Noonan
 - 3. Provide the name, address, and phone number of the tanker truck's corporate operator, if different from the owner.
 - 4. Provide a list of tanker truck equipment owned and/or operated by Jewett & Noonan.
 - 5. Provide, in chronological order, a history of any spill events from Jewett & Noonan within the past five years. Explain the circumstances of each spill, the quantity of oil or hazardous material spilled, whether the oil or hazardous materials reached any bodies of water, and if so, the names of such water bodies, and the quantity of oil or hazardous materials entering such water bodies.
 - 6. Provide the following information regarding the driver of the tanker truck involved in the traffic accident:
 - a. Copies of any driving citations the driver received relating to this and any other incident.
 - b. The length of time the driver has been working for the company, and the length of time the driver has been driving a tanker truck for the company.
 - c. A description of the driver's experience and/or training certificates, if applicable, in operating the tanker truck involved in the roll-over incident.
 - d. A description and or certifications of any training the driver received in spill response.
 - 7. Provide a description of any training program in place for your tanker truck drivers related to spill response.
 - 8. Provide the maintenance records for the truck involved in the June 11, 2014 roll-over during the past 3 years.
 - 9. Provide any additional information which you wish to bring to the attention of EPA.

Statement of Certification

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Jewett & Noonan Transportation, Inc., I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

(Signature Name)

(Print Name)

(Title)

(Date)